

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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|---------------------------|---|--------------------------------|
| RICHARD EMANUEL, |) | |
| |) | |
| Plaintiff, |) | CASE NUMBER: 2:17-cv-00658-MHT |
| |) | |
| v. |) | |
| |) | |
| ALABAMA STATE UNIVERSITY, |) | |
| |) | |
| Defendant. |) | |

MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW the Plaintiff, by and through his undersigned counsel, and pursuant to this Court’s February 21, 2018 Order (Doc. 16), hereby respectfully requests that this Court grant leave to file his First Amended Complaint (Attached hereto as “Exhibit 1”). As grounds for the same, Plaintiff shows as follows:

1. Plaintiff filed Charge No. 420-2016-03401 (hereinafter the “First Charge”), alleging unlawful gender and race discrimination, with the United States Equal Employment Opportunity Commission (hereinafter the “EEOC”), on or about September 7, 2016. (First Charge attached hereto as Exhibit “1(a)”).
2. After receiving the Dismissal and Notice of Rights (hereinafter the “Right to Sue”) from the EEOC for the First Charge, Plaintiff filed his original Complaint (Doc. 1) with this Court on September 29, 2017. (Right to Sue for First Charge attached hereto as Exhibit “1(b)”)

3. Plaintiff filed Charge No. 420-2017-02730 (hereinafter the “Second Charge”) with the EEOC, alleging unlawful Retaliation, on or about August 18, 2017. (Second Charge attached hereto as Exhibit “1(c)”).

4. Plaintiff received the Right to Sue from the EEOC for the Second Charge on February 15, 2018. (Right to Sue for Second Charge attached hereto as Exhibit “1(d)”)

5. Plaintiff filed his First Amended Complaint, which included a Count for Retaliation based on his receipt of the Right to Sue for the Second Charge, on February 20, 2018. (Doc. 15).

6. The Court’s December 4, 2017 Uniform Scheduling Order provides that “[m]otions to amend the pleadings and to add parties shall be filed on or before February 20, 2018.” (Doc 14).

7. Accordingly, Plaintiff, without seeking leave of Court, filed his Amended Complaint on February 20, 2018. (Doc. 15).

8. On February 21, 2018, the Court Ordered (Doc. 16) that the First Amended Complaint be stricken from the docket, citing the Uniform Scheduling Order (Doc. 14) and the expiration of a January 12, 2018 deadline to Amend.

9. Plaintiff respectfully requests leave of this Court to file his First Amended Complaint (Exhibit “1”), and its exhibits (Exhibit “1(a)” – “1(d)”)), as those documents incorporate into Plaintiff’s original Complaint Plaintiff’s claims of Retaliation.

10. The parties will not be prejudiced by the Court’s granting of Plaintiff’s Motion for Leave to Amend Complaint.

WHEREFORE, premises considered, Plaintiff respectfully requests that this Court:

- A. Grant Plaintiff's Motion for Leave to Amend the Complaint; and,
- B. Accept Plaintiff's First Amended Complaint in place of all previous Complaints filed in this action.

Respectfully submitted on this the 26th day of February 2018, by:

Respectfully submitted,

/s/ Joshua A. Wrady
Joshua A. Wrady (ASB-9617-J68W)
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon the following via electronic mail, U.S. First Class Mail, and/or with the Clerk of the Court using the CM/ECF system on this the 26th day of February 2018:

Kenneth L. Thomas
Joi C. Scott
Ramadanah S. Jones
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/s/ Joshua A. Wrady
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